

PROB 12B  
(6/14)

**United States District Court**  
**for the**  
**Western District of Tennessee**  
**Request for Modifying the Conditions or Term of Supervision**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: John Kevin Phillips

Docket No. 1:17CR10018-001

Name of Sentencing Judicial Officer: The Honorable S. Thomas Anderson, Chief U.S. District Court Judge

Date of Original Sentence: 07/03/2017

Type of Supervision: TSR

Original Offense: Threatening Interstate Communications

Date Supervision Commenced: 07/03/2017

Original Sentence: Custody-Time Served; TSR-36 Months

Date Supervision Expires: 07/02/2020

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**PETITIONING THE COURT**

☐ To extend the term of supervision for \_\_ years, for a total term of \_\_ years.

☒ To modify the conditions of supervision as follows:

- 1. The defendant shall submit his or her person, property, house, residence, vehicle, papers, [computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media] or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.**
- 2. The defendant shall abstain from all use of alcohol or alcoholic beverages and may not possess alcohol. The defendant shall also not frequent establishments whose prime purpose is the sale of alcoholic beverages.**

**CAUSE**

Mr. Phillips' term of supervised release commenced on July 3, 2017. Since his term of supervised release commenced, Mr. Phillips has pled guilty to a Driving Under the Influence (DUI) charge, which was pending at the time of his sentencing for the instant federal offense. Mr. Phillips has been previously referred for individual counseling for substance abuse issues which he completed earlier this month. However, Mr. Phillips most recently confided with the United States Probation Office that he recently had a relapse with alcohol use. Due to Mr. Phillips' ongoing issues with alcohol, and in order to promote accountability with this offender, the U.S. Probation Office is recommending a search condition modification as well as a modification that would prevent Mr. Phillips from possessing or using alcohol for the remainder of his supervised release. Mr. Phillips will also be referred for additional outpatient counseling. Mr. Phillips has agreed to the above listed conditions as evidenced by his signature on the accompanying waiver.

Prob 12B

RE: PHILLIPS, John Kevin

Date: January 24, 2018

Respectfully submitted,

s/ Jamey Moore

U.S. Probation Officer

Approved:

s/ Mark Alan Escue

January 24, 2018

Supervising U.S. Probation Officer

Date

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**THE COURT ORDERS:**

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other

s/ S. Thomas Anderson

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Signature of Judicial Officer

Date January 25, 2018